

Remarks

Claims 1-13 are currently pending. Group II Claims 14-25 were not elected and were withdrawn in a previous paper. Claims 3 and 14-25 are hereby canceled. Claims 1, 2, 6 and 12 have been amended. No new matter has been added. Applicants assert that all claims are in condition for allowance as set forth more fully below.

102 Rejections

Claims 1-13 stand rejected under 35 USC §102(e) as being anticipated by Chawla (US Pat 6,496,700). Applicants respectfully traverse these rejections.

The Office Action rejects independent claim 1 by stating that Chawla teaches all of its elements. Amended claim 1 now recites a method of measuring frequency interference between a plurality of cell sites in a wireless telecommunications system selecting a frequency in a first cell site to be used as a beacon frequency, wherein selecting a beacon frequency includes selecting a frequency carrying the least amount of traffic across a plurality of cell sites and protecting the frequency from taking traffic. These recitations are contrary to Chawla.

Chawla teaches the use of "... frequencies not used by other base stations in the vicinity" or a "single beacon frequency...which transmit[s] the signal at respective timing intervals and in a particular sequence to indicate the identities of the respective source base stations". (Col. 6, l 24-39). Chawla does not teach the use of a beacon frequency that is a frequency carrying the least amount of traffic and protecting the frequency from taking traffic. The beacon frequency disclosed in Chawla is not even a working frequency in current use by the sites in the vicinity to be tested. Chawla fails to disclose that the frequency used as the beacon frequency is selected on the basis of it being the least used frequency for carrying traffic as Chawla makes no distinction about which frequency that is being used is least used relative to others that may be experiencing greater use. This is especially the case since the frequency used in Chawla is not being used at all to carry traffic for the sites in the vicinity prior to being used as the beacon frequency and therefore, cannot be a selection of a least used frequency carrying traffic.

Accordingly, claim 1 includes recitations not taught by Chawla and is allowable over Chawla for at least these reasons. Dependent claims 2 and 4-13 depend from

allowable claim 1 and are also allowable over Chawla for at least the same reasons. Furthermore, one or more of the dependent claims disclose elements not disclosed in Chawla. For example, claim 6 recites that selecting the frequency includes selecting the least used frequency as well as selecting the upper and lower adjacent channels. Chawla fails to disclose determining what the least used frequency for carrying traffic is, but further fails to disclose selecting the upper and lower channels adjacent to whatever the least used frequency may be such that claim 6 is allowable for these additional reasons.

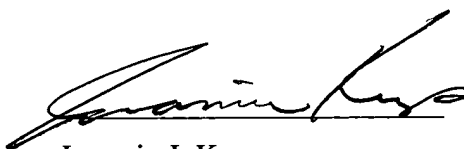
Conclusion

Applicants assert that the application including claims 1, 2 and 4-13 is in condition for allowance. Applicants request reconsideration in view of the amendment and remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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